

# SCRUTINY OF POLICE POWERS PANEL

27 November 2018

All 16 members attended the 7<sup>th</sup> *Scrutiny of Police Powers* Panel quarterly meeting in November 2018, observed by an Inspector of Her Majesty's Inspectorate of Constabularies, Fire & Rescue Services (HMICFRS).



A standard reminder about confidentiality and declarations of interest is highlighted on the agenda.

## Standing item: Stop and Search monthly data and BWV camera switched on

Stop and Search Created Month/Year	Stop & Search count	Stop & Search BWC recorded = Yes	%
Sep 2017	331	198	59.82%
Oct 2017	342	195	57.02%
Nov 2017	334	218	65.27%
Dec 2017	349	221	63.32%
Jan 2018	369	241	65.31%
Feb 2018	370	271	73.24%
Mar 2018	284	223	78.52%
Apr 2018	350	258	73.71%
May 2018	395	297	75.19%
Jun 2018	342	270	78.95%
Jul 2018	341	264	77.42%
Aug 2018	355	286	80.56%
Sep 2018	302	233	77.15%
Oct 2018	336	258	76.79%
<b>Sum:</b>	<b>4800</b>	<b>3433</b>	<b>71.52%</b>

## **ACTIONS & QUESTIONS – SCRUTINY OF POLICE POWERS PANEL – 27 Nov 2018**

All actions from 6 September 2018 last Panel meeting have been completed and circulated to Panel members.

**ACTION 1: Completed.** The request for a second Officer survey on Mental Health and Police Service Delivery issues in 6 months' time as a comparison was agreed by the Constabulary Panel Lead Officer. This has been included in the first draft ~~May~~ November 2019 Panel Meeting Agenda.

Constabulary response: Having liaised with Inspector Jon Owen leading on mental health work including training, this is unlikely to be enough time to notice any notable change in officer responses. We are able to complete a further officer survey, however, the suggested time frame is around 12 months to enable any meaningful change to be noted.

**ACTION 2: Completed.** Request for Constabulary data on section 136 detentions under the Mental Health Act, including ethnicity.

Constabulary response from Inspector Jon Owen: Unfortunately it is difficult to clarify the number and detail for the following reasons. The NHS have far better detail on this than we do and we have not found it easy getting them to share it with us. We are hopeful that this will be resolved in the next few months.

We used to take S136 detainees to custody where records would be easy to maintain, however, record keeping has now become more difficult. We have a Mental Health Monitoring Form which is embedded into NICHE. It was created by NICHE and we cannot change or alter it. There has been some confusion over when it is meant to be completed – meaning that we cannot rely upon it for any form of accuracy. As part of the wider work we are doing we are looking at when (or even if) we should use this form in future. The only headline figure we can provide is that the NHS trusts have reported a continued increase in the use of S136 – but not specific information. NHS hold far better data on this than we do and it would be easiest for them to simply share what they have with us. We just need to get this agreed and formalised. HMIC require this information also and work is in progress to resolve it.

**ACTION 3: Completed.** The Assistant Chief Constable advised the Panel on 27 Nov 2018 that Triage in the Police Control Room is under evaluation and the results will be shared with the Panel.

Constabulary response from Inspector Jon Owen: This work is not complete and so we are not in a position to share information with the Panel. By way of update on progress, however, Police and Triage management met at the beginning of the month to review data provided by the police. This has led to a further meeting being arranged for next month where the attendance list will be increased to include those who are making a financial contribution. The purpose of this meeting will be to review the existing terms of reference, role and function of triage in light of the data and the discussions at the preliminary meeting. I believe it will be several months before we are in a

position to report to anyone, in detail, on progress. It was agreed at the preliminary meeting that an independent review / evaluation of triage should be recommended as part of this ongoing work.

**ACTION 4: Agreed/completed.** The Panel Chair agreed to monthly or regular updates for Panel members rather than a single 'Reading Pack' for each quarterly Panel meeting.

**ACTION 5: Completed. Annual review of the Panel's Terms of Reference.**

Agreed to add a deadline for Chair and Vice Chair nominations so that members can be advised before the Panel meeting and election. Terms changed as below:

#### **4 SELECTION OF CHAIR AND VICE CHAIR(S)**

4.1 Nominations for Chair and Vice Chair(s) will be requested from Panel members on an annual basis, *with a closing date of at least one week before the election date.* A paper or electronic ballot voting system will be used to elect the Chair and Vice Chair(s) during a Panel meeting. A quorum is needed for an election, which is 2/3<sup>rds</sup> of the Panel membership.

**ACTION 6: Completed.** Two Panel members volunteered to review the content of the Panel case review Feedback Form and report back on their proposals.

**ACTION 7: Completed.** After a request from the Panel Chair, one Panel member volunteered to attend and observe the next Strategic Independent Advisory Group (SIAG) meeting. This is an observational role, separate and in addition to the current three Panel members who are also IAGs members.

**ACTION 8: Completed.** After the Constabulary update session, the Panel Chair asked Panel Members to email any further Mental Health and Police service related questions.

## PANEL MEMBERS READING PACK

A 'Reading Pack' of documents was circulated to Panel members prior to the Panel meeting, including the meetings Agenda and:

1. The draft External Scrutiny Panel's report from the last meeting in September 2018 (for authorisation at the 27 Nov meeting).
2. Panel's Terms of Reference - for Annual review & any comment.
3. Lammy review monthly report (PCC's office).
4. National Decision Making (NDM) model – information as a reminder from your initial induction/training session.
  - 4.1: Student Officer powerpoint presentation;
  - 4.2: Police Officer Pocket notebook (PNB) inserts.
5. Panel meeting Actions and Constabulary responses from the last Panel meeting (6 Sept 2018).
  - 5.1: Actions and Constabulary Response;
  - 5.2: Action 1.3 Constabulary response;
  - 5.3: Action 1.3 Diverse Recruitment Poster.
6. Quarterly bulletin for Stop & Search (July-Sep 2018).
7. Stop & Search with Body Worn Video (BWV) recorded – Monthly report to October 2018.
8. With reference to the Chair/Vice Chairs' meeting on 10 October 2018:
  - 8.1: Actions and Constabulary responses;
  - 8.2: Action 6 – Mental Health overview;
  - 8.3: Action 10 - Safeguarding overview;
  - 8.4: Chief Inspector Paul Wigginton's response to the remaining actions:
    - As discussed at the 25 October 2018 Chair/VC meeting regarding stopping vehicles based on smell of cannabis, this is something that the Police can do if a Police Officer suspects the driver to be under the influence.
    - In relation to Police Officer views regarding mental health, C.I. Paul Wigginton instigated a survey to collate these and he will feed back to the Scrutiny panel on 27 November 2018. Two Police Officers' feedback narrative.
9. Mental Health and Restraint: Article on Royal Ascent of a new Law.
10. Published article (3 parts) regarding Mental Health street triage and the Police service.
11. The Independent Office for Police Conduct (IOPC) Learning the Lessons Bulletin – Nov 2018 – Stop and Search feature.

Also: On separate dates, two Panel members observed Officers' Taser training for the new 'X2' Taser (CED: Conducted Energy Device) and positive feedback summaries were circulated to Members.

The Panel Chair introduced the HMICFRS observer, who explained that the Police Legitimacy Inspection includes User of Force and Stop and Search.

## **PANEL AIMS:**

The Chair reminded Panel Members of the Scrutiny of Police Powers Panel's aims, including the scrutiny of Body worn video footage of randomly selected or themed cases for the use of Police Powers, including Taser use, Spit and Bite Guard use and Stop and Search. Four areas of work for thematic focus are:

- i. Unconscious Bias
- ii. Quality of Data
- iii. Other Panel interaction/collaboration and synergies.
- iv. Mental Health

## **CONSTABULARY UPDATE – MENTAL HEALTH AND POLICE SERVICE DELIVERY**

A Constabulary presentation and Question & Answer session took place, starting with a recap on Unconscious Bias and the wording 'Natural' in the training definition. That piece of training has finished but in future the theme within training will be vulnerability and Panel member involvement is welcome. There are new Police Officer recruits and Apprenticeships for a three-year period. This will involve more embedded training for unconscious bias and the Constabulary will work with the Panel on this learning and development item.

Mental Health is a current high profile news item. In response to the Scrutiny Panel's request, an Avon and Somerset Constabulary survey was sent to Police Response Officers, with around 300 (30%) Officer response.

Discussion took place on each of the Survey questions and answers and a Constabulary Lead Officer (John) is reviewing this, including learning and development and managing Police demand.

**Survey Question:** How many Mental Health incidents do you attend per month? Nearly 60% said more than 10. The average number of incidents per day is 10.

80% of Avon and Somerset Constabulary's demand is **not** Crime related. It's social welfare related and within this, some is a police response to people in Mental Health crisis. Some is not visibly mental health related. Some is responding to a report of a missing person where the average is 25 per day. 1 in 4 adults suffer from Mental Illhealth. One positive point is that society is more accepting of being open about Mental Health.

1. Question: Is Dementia included as part of the Mental Health numbers? Also: Are the Officers' answers from memory?  
Answer: The survey is a snap-shot of Officers on the Street, giving their feelings.
2. Question: Noted that it is an overview from Frontline Officers. How many shifts are there per month?  
Answer: 18 shifts per month.  
Panel member: 10 incidents per day = 180 incidents per month, so a minimum of 5% is mental health related from the survey.

Outside of core hours (9 to 5) Police demand rises. Friday evening and over the weekend there are less Mental Health professional services.

3. Question: What Mental Health Training is there for Police Officers?  
Answer: The Constabulary's Mental Health Lead is starting this work. As with all training, the Police aren't Mental Health experts. The Mental Health Services are the experts and have higher thresholds for Mental Health crisis than the Police. Police Officers may worry about the

risk/harm/threat level (National Decision Making model used) and surely that more could be done when the Mental Health Services allow a person back into the community.

One Response Officer present at the Panel meeting said that more members of public encountered have behavioural life-style problems rather than mental ill health.

One PCSO/Neighbourhood Policing Team officer at the Panel meeting said that at least 10 incidents relating to mental health are dealt with in the Beat Team per month.

One Panel members who works in the Mental Health Service agreed that the threshold is very high and all that can be done is to call the Police to incidents.

**4. Question:** What Communications/Control Room training is there, including awareness of the Mental Health Triage Nurses in the Control Room?

**Answer:** Officers are aware and use the Triage service for advice.

**Survey Question:** Asked about the Officer's knowledge level of the Mental Health Act powers.

One Response Officer at the Panel meeting said that confidence is high for the power to detain under section 136 of the Mental Health Act.

**Survey Question:** How often do you use section 136 detention powers?

Around 55% answered: Occasionally; and around 35% answered: Often.

**Survey Question:** What is the biggest difficulty with section 136 detention?

Responses highlighted:

- Available Ambulance difficulty: Approx. 35%;
- Mental Health Agency support difficulty: Approx. 30%;
- Police time spent: Approx. 20%;
- Mental Health Place of Safety Bed availability difficulty: Approx. 15%.

A Response Officer at the Panel meeting gave an example of a 1.5 hour journey to Devizes, Wiltshire, to take a detainee to a place of safety as the beds were full within the local Constabulary area. This is better than a Police cell for people in mental health crisis, which is the last resort. However, a 'red alert' assessment takes the person to a Hospital.

**Survey Question:** In November 2017 the law changed. A Police consults with a Mental Health Professional BEFORE involving s136 WHERE PRACTICABLE. Who do you contact for a conversation?

The responses included Triage (Mental Health Professionals located in the Police Control Room at HQ) and the Crisis Team.

**Survey Question:** How often do you contact Control Room Triage?

Responses: Often = approx.. 60%.

This service is well used by Police Officers but there is no Triage service after 10pm.

Avon and Somerset Constabulary Lead Officer's summary comments in the presentation included the following responses from Police Officers to the survey on Mental Health and the Police Service:

1. Unhelpful Mental Health service = 37%
2. Time spent = 29%
3. Ambulance = 21%
4. Using the Police = 19%
5. Lack of training = 13%
6. Lack of (Mental Health agency) support = 12%
7. Fear of consequences / IOPC complaints = 9%
8. No beds (places of safety) = 9%.

**5. Question/Comment:** Point 1 above is quite high.

**Answer:** Yes. This is the Officers' perception. However, it's not an 'us and them' situation, it's collaborative partnership working.

- 6.** Question: What is the level confidence for an Officer assessment of mental ill-health at an incident? Another Panel member acknowledged that the Police can't be experts and need Mental Health Specialist Agency staff.  
Answer from a Response Police Officer at the Panel meeting: Confidence is relatively high. Officers get a lot of practice and regularly speak to Mental Health Practitioners. It's not a medical/scientific diagnosis. However, it's considered not difficult to recognise an issue. Police communication is paramount.
- 7.** Question: The Police response is what's important. Labelling of the person (a diagnosis) isn't important.  
Answer: A really good point. It's about focussing on a vulnerable person. The person may be aggressive and dangerous – to themselves or others or a Police Officer – but the Police still need to respond to the vulnerable person.
- 8.** Question: What was the basis for the Mental Health survey?  
Answer: It was in response to the Panel Chair/Vice Chairs' request for Frontline Police Officer feedback. The Survey comments summary also included that the Police are the first point of a call for help. Also that a section 136 detention takes 8-10 hours of Police Officer time. This is a subject for ongoing Constabulary work and data analysis.
- 9.** Question: Can the Survey be repeated in 6 months' time, as a comparison?  
Answer: Yes.  
See Action 1 on page 2 above.  
A Panel member also commented that perhaps more than 30% of Officers will respond.
- 10.** Question: Are the Officers double-crewed? Therefore the number of Mental Health incidents duplicated?
- 11.** Question: Can a survey go to the Neighbourhood Policing Team too?
- 12.** Question: The number of incidents is a response to each Officer's experience which is different.
- 13.** Question: Request to Constabulary for data on section 136 Mental Health Act use of Police power, including a breakdown by ethnicity.  
See Action 2 on page 2 above.

The Panel Chair summarised this mental health related session by acknowledging tensions and thresholds and the aims for closer multiple agency working. Also that Police time on mental health incidents means that resources are tied up.  
ACC Cullen advised the Panel that Triage in the Police Control Room is currently under evaluation and the results will be shared with the Panel.  
See Action 3 on page 2 above.

- 14.** Question: What is the staffing make up of the Triage?  
Answer: The Triage staff are all Mental Health Professionals.  
A Panel member stated that the issues are not new and ultimately it is a lack of resources. People are falling down a gap between Mental Health Services and the Criminal Justice System. Another member highlighted that it's often the same people in crisis.

The Panel were advised that Emergency Service Staff are more likely to suffer mental ill health than other categories of employment and there has been a lot of Avon and Somerset Constabulary Officer/Staff welfare work. There are 4 new Values for the local Constabulary:

- Caring
- Courageous
- Inclusive
- Learning

It is not about blame. The vast majority of Police Officers are dealing as well as possible with incidents.

**15. Question:** Metropolitan Police statistics state 8000 calls were from 5 individuals. Is there a similar situation for Avon and Somerset Constabulary?

**Answer:** There are some repeat callers generating a large number of calls. However the new Neighbourhood Policing model includes a focus on problem solving and concentrates on building community relationships. Yes. It is the same as the Metropolitan Police problems.

Actions were summarised by the Panel Chair, including updates at and between Panel meetings. A Panel member remarked on the 'Reading Pack' which was good but overwhelming. Could items be circulated in bits and earlier? This was agreed by the Panel Chair going forward. See Action 4 on page 2 above.

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**Note: Standing Reminder about the Police 'Ride-Along' Scheme**

If you would like to join and experience the daily work of a serving Police Officer on the beat (in their police vehicle and responding to incidents or observing staff in the Communications Department) then please view the Police website: <https://www.avonandsomerset.police.uk/services/ride-along-scheme/>. This scheme gives members of the public the chance to ask questions to Police Officers and Staff, which you may find of interest. The PCC considers this to be one of the best ways of allowing the public to see Police work first hand, the demand placed on Officers' time and how they target their efforts in the most productive way. You may find the Friday and Saturday evening period between 5p.m. to 2a.m. the most varied but you don't have to complete the whole shift and the Constabulary is happy to accommodate you whenever is suitable for you. The PCC realises that participating in the Ride Along Scheme involves an amount of your time but it is thoroughly recommend and the PCC welcomes your feedback on the experience.

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## PANEL FEEDBACK AND AOB

The Panel report from the last meeting was available for further comments prior to acceptance for publication on the [PCC website](#) . This is in the [Reports section](#).

### Summary of main points to highlight from this Panel meeting's case reviews

- The Specific January 2017 Taser case was reviewed by all members within the three sub-groups and the Panel feedback session concentrated on this case review. There is a separate Panel report for this Case Review.
- Compliments to the Constabulary on a case of a person in mental ill-health crisis and Taser deployment. A lone female Constable is commendable.
- Compliments to the male Police Officer, when responding to a report of a garage break-in, is exemplary. The Police Officer's Stop and Search (BME) encounter (with a negative outcome) is very good, the Officer stating all necessary points (GOWISELY acronym \*) and the engagement is on a different level compared to the January 2017 Taser case.

**\*Note:** The GOWISELY acronym is a reminder to a Police Officer of the information that must be provided (in any order) to a subject when the Officer performs a stop and search.

GOWISELY stands for:

G: **Grounds for the search;**

O: Object the officer is searching for;

W: Warrant, particularly if the Officer is in plain clothes;

I: Identification, proof that the Officer is indeed a Police Officer;

S: Station to which the Officer is attached;

E: Entitlement, any citizen being searched by a police officer is entitled to copies of all paperwork;

L: Legislation, the legal power which gives the officer the right to stop and search;

Y: YOU are being detained for the search or for the purpose of... i.e. informing the person in clear terms the purpose and nature of the search.

- Some negative points of concern include a case of a young female at a homeless hostel. There was a long wait for backup before at least 5 Officers entered the communal room in the hostel, with other people present as well as the female (accused of assault by another female). There was no further action taken about the reported assault but the Panel thought that the allegation of an assault on the Police was progressed. The sub-group felt that this allegation was weak.
- One member sub-group highlighted a case reviewed of a Taser firing and Spit & Bite Guard used in an Assisted Accommodation situation. Commendation to the Police Officer.
- Body Worn Video (BWV) footage case examples were highlighted as showing patient and well-managed incidents involving people in mental health crisis.

- A case involving a female with a knife provided an example where one to one engagement worked well, rather than the second Police Officer trying to give instructions which confused the female. There was a good outcome.
- A Data Quality aspect is still the late switching-on time and early stops of BWV cameras during an incident.
- It is noted that the tone and manner of the Police Officer at the start of the engagement/interaction set the scene

### **Other Business (AOB) matters**

**The Panel's Terms of Reference** are annually reviewed. Chair and Vice Chair nominations for election will have a deadline of one week before the Panel meeting for the elections. See Action 5 on page 2 above.

**The Panel report** layout was discussed. It is confirmed that the case review feedback and associated Constabulary response is below each case rather than one response block.

There will be ongoing conversations between the Panel meetings regarding the two themes of **Unconscious Bias** and of **Mental Health**. The Chair agreed to update members on a monthly basis.

See Action 6 on page 2 above.

**Feedback sheets** will be redesigned by two volunteer members. See Action 6 on page 2 above.

Other Independent 'Critical Friend' Panels are of interest to the Scrutiny of Police Powers Panel and reciprocal observation at meetings has been investigated by the Panel Chair.

### **Other high profile cases of community concern**

One high profile case that a Panel member highlighted at the September 2018 meeting was requested to be reviewed. However, the person involved in the incident was asked about the proposed review and did not wish this to occur. Therefore, this has been respected.

**The next Panel meeting** is on Wednesday 20 February 2019 at Police Headquarters, Portishead.

## SUMMARY OF THE REVIEWED CASES

The Panel have been awaiting the end of the September 2018 Misconduct Hearing after the Court Trial regarding the Taser Incident in January 2017. At this November 2018 Panel meeting the 3 sub-groups viewed Police Officer Body Worn Video camera (BWV) footage of this Taser Incident. A separate Panel report has been produced for this high profile case.

After this specific case review, additional, randomly pre-selected cases were reviewed. These Police incidents/cases are within the categories of:

1. Taser deployment – specifically concentrating on the theme of mental health.
2. Spit & Bite Guard use;
3. Stop and Search, within the Panel-requested three categories of:
  - i. an under 16 year old is searched (<16);
  - ii. more than jacket, outer garment and gloves removed (>JOG);
  - iii. the subject is Black, Asian or in an ethnic minority (BME)).

Panel members reviewed the associated narrative from the Police *Niche* database as well as the BWV footage. Incidents were selected within the time periods of September, October and November 2018.

Panel members reviewed a total of **18** cases within the following categories:

- Stop and Search under 16 years old: **2** (plus 1 additional case was also under 16).
- Stop and Search BME: **3** (plus 1 additional case was also BME).
- Stop and Search removal of more than Jacket, outer garment and gloves: **4**
- Taser deployment – focussing on Mental Illhealth: **6**
- Spit & Bite Guard use: **3** (plus 1 additional case was also Spit Guard use).

**Case 1: All reviewed by all 3 sub-groups – January 2017 Taser fired  
One of two Police Officers on patrol saw a male who the Officer believed he was a person (known to be violent) wanted by the Police.**

BWV Case Review - Panel member feedback form (written) comments:

13 Panel members completed a Case Review Feedback Form. There were two declarations of interest, in personally knowing the subject. One member arrived just after this case review. Please see the separate Panel report with Constabulary responses.

**Chair's sub-group/Case 2: Stop and Search (BME) – 12/9/2018 2.56am. Suspected drug abuse. (Section 23 Police and Criminal Evidence Act (PACE), Misuse of drugs Act). The (hire) car is also searched.**

No positive outcome.

Clear grounds are given for the stop and search, in a calm manner by the polite Officer who has good interpersonal skills. The rapport is good but then the subject is also compliant and good-natured. The encounter is positive.

Perhaps the drug detection machine or sniffer dogs could have been used.

One point of concern is that the Officer could have given name and collar number earlier rather than after being asked. Also the BWV footage is not clear.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes (1 N/A answer)
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

**Case 2** – Panel feedback is noted with thanks regarding Police Officer approach, along with consideration of use of drugs dog if available. The footage starts part way through the interaction, however, I note the panel comments around providing the name and collar number at an earlier point. GOWISELY should be provided by searching officers prior to the search commencing and I will feed this back accordingly. This interaction took place at night and this unfortunately impacts on the clarity of footage, however, the officers have tried to consider the camera angle used.

**Case 3: Theme: Taser deployment in Mental Health situation – 27/6/2017**

**Adult Safeguarding. Female has a knife and is threatening to kill herself and others.**

An appropriate use of Taser.

Police Officers are calm and compassionate despite the challenging situation and they are very respectful in their behaviour, they give direction, they are reassuring and manage to calm down the female subject. The incident is well handled by the Police Officers with good use of Taser as the female subject could have harmed herself. The Officers want the best outcome. The Taser was used at the right time.

However, one Police Officer taking the lead and speaking with empathy would have been better than both Officers' voices which could have been confusing for the mentally ill subject. Panel members were concerned that the female may have fallen onto the knife after the Taser was fired. Unfortunately the female subject relapsed and was hallucinating. It is unknown if the female Client was taking her medication or if the intervention by the two Police Officers confused the female subject.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

**Question:** Did Officers give a Taser warning?

**Question:** Was Triage involved in this case?

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

**Case 3** – Panel comments are noted with thanks. In answer to the queries raised by the panel, due to the urgent nature of the call, Triage was not used. Officers drew Taser due to the female holding the knife against her own chest and this was shown to the female before deployment, however, again due to the fast moving nature of the incident, the specific warning was not stated.

**Case 4: Spit Guard use - 9/10/2018 at 10.40p.m.**

**Allegation of spitting and disorderly behaviour. Reported by a passer-by that an intoxicated person is walking in the road, banged a car and spat in driver's face.**

This is appropriate use of the spit & bite guard given the allegation and the female's subsequent behaviour. The female subject is intoxicated and calmly abusive but gets more abusive as time goes

on. This behaviour is unprovoked. The Police Officers are calm and very patient throughout the incident, finding out more information from the Mental Health Team and for the female subject. they are professional and very aware of the female subject's vulnerability, including being a woman alone at night. The Police intervention is at the right time. The arrest is for safety reasons – for the female subject and for others – and the situation is well handled.

However, the BWV is not good quality at night and the point when the spit guard is used is not visible. Panel members commented that no female Police Officer was deployed to this incident and a female may have obtained a more positive outcome.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes (one member stated No).

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

**Case 4** – The panel comments are noted in relation to the officers calm approach, along with appropriate use of spit guard. Panel comments have been fed back to the officers.

**Case 5: Stop and Search (>JOG, <16, BME) Section 23 misuse of drugs Act. 20/9/2018 at 4.12a.m. Weston-s-Mare.**

**Report from a member of the public of shouting and screaming at an address well known for drugs.**

Police concern for safety.

The Police Officer gave an introduction and grounds for the Stop and Search and the Officers stayed calm. Good communication by the Officer and the Police action is appropriate. However, could the person have been taken somewhere more private? The BWV footage at the house appears chaotic with too many conversations. Not much control of the situation and one Officer needs to take the lead. The main Officer does try to take the lead.

Also, concerns for the child and Panel member suggestion that Police Officers should check the boys parents as a child safeguarding matter. Believed to be a case of mistaken identity. One member's comment is that the assumption that all black people look alike is suggested in this case.

**Question:** This case represent the complexity of cases with regards to how the case is logged, for example it initially began with an under 16 BME stopped and searched. Then a search of another with full strip searches. Which category is this data to then be recorded so it is more accurate?

**Operational points:** The description of people's age, colour etc. should be more specific. Also the two different incidents should have been treated as two not one case.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? No (2); Yes (3)
2. Do you think that the correct decision was made by the Police Officer? No (1); Yes (3); N/K (1).
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes (3); No (1); blank (1)

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

**Case 5** – Panel comments noted with thanks. In view of the panel concerns, this matter has been debriefed with the officer completing the stop search.

The officer and their supervisor have provided additional background to this stop search which is relevant. This stop search took place as part of a wider Policing operation, the sensitivities of which

meant that limited information could be included within the Niche record. The juvenile subject to the stop search was identified as coming from the location believed to be linked to county lines and drug dealing - officers were directed to him. The link was not based purely on description or as a panel member was concerned because "all black people look alike", but on a positive identification and an unbroken view of the male. Officers confirmed that a Police Protection Order was considered in relation to the male – this is an emergency Police power where officers can place a child under police protection where they reasonably believe them to be at risk of significant harm. This was not deemed to have been appropriate action at the time based on the information at that time. However, officers recognise that a safeguarding referral should have been made in relation to this matter and this has been taken as a point of learning. This feeds in to our review of processes around children and young people as referenced above for greater consistency. As this links to one incident/operation it was right to record these on one Niche occurrence, however, I appreciate that this has caused some confusion when reviewing these.

**Case 6: Stop and Search (under 16 year olds) – 15/9/2018 4.12a.m. Bristol**  
**Call from member of the public reporting 2 white males 15/16, attempting to break into cars.**

14 year olds, previously known to the Police and cooperative.

Early switch on of BWV camera is good.

The subjects stopped fit the description. Officers spoke to the young people appropriately for their age and communicated well. Good introduction, reason and grounds for the Stop and Search. Good communication throughout the search, continuing the conversation. The Police Officer is very professional and the Police Officers have a calm manner with a good rapport with the under 16 year old boys. Clear grounds are given for the Stop and Search. There is also clear information on what is happening. There are good Officer interactions.

Positive outcome: Admission of wrongdoing.

Compliments to the Police Constable 754 Andy Glenn. The Panel members have noticed his good, calm manner and good policing.

**Question:** Can the Police take stricter action against teenagers who are causing public disorder?

**Question:** When under 16 year olds are found out at night are they not returned home as a matter of course? Is it considered a duty of care for children wandering around at night/early hours of the morning – 4 a.m. - maybe there are problems at home?

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes (one Not Known)
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

**Case 6** – Panel comments noted with thanks and positive feedback has been provided to the relevant officer. In answer to panel queries raised, both males were arrested on suspicion of vehicle interference and due to their age, family were contacted. Safeguarding considerations are paramount when dealing with juveniles and appropriate action should be taken. A&S are currently reviewing our approach to Stop & Search with children and young people to more actively see this

as an engagement and safeguarding opportunity, in addition to a crime prevention tool. This will provide a more consistent approach to risk assessments and safeguarding referrals.

**Vice Chair 1's sub-group/Case 7: Stop and Search (BME) 1/11/2018 at 9.10p.m. Bath Reports to Police of a disturbance in a flat. Bladed article**

Police Officer pursuit on foot after a male rushed out of the flat.

A good, appropriate and professional Stop and Search throughout the encounter with a very good Police Officer explanation for the search, reasons, name of Officer and right to a copy of the search form. This was intelligence led and the suspect was identified by the Officer. This case demonstrates the benefits of Police on the beat.

Compliments to the Police Officer – PCSO - who's involvement is very good.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response:* C/Inspector Paul Wigginton, Force Duty Officer

**Case 7** – Panel comments noted with thanks. Panel compliments have been fed back to the relevant officers.

**Case 8: Stop and Search (>JOG) Section 23 misuse of drugs Act. 15/11/2018 10p.m. Intelligence – County Lines – drug warrant issued.**

Compliments to the Police Officer for switching on the BWV camera early. A polite, calm, collected and positive search by the female Police Officer who explains everything clearly, including introducing herself. The Bathroom is used for added privacy for the search. BWV camera lens turned up, out of courtesy and dignity, so there is no recording of the body search .

The female Police Officer – PC Joanne Jeffery - is to be commended. Collar number 2378.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Mixed
2. Do you think that the correct decision was made by the Police Officer? Mixed replies.
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response:* C/Inspector Paul Wigginton, Force Duty Officer

**Case 8** – Panel comments noted with thanks. Panel compliments have been fed back to the relevant officer.

**Case 9: Stop and Search Section 23 (>JOG) – 7/11/2018 at 12:38 Bristol**

**A member of the public describes a male, drug dealing, also seen on CCTV dealing drugs and recorded on a Police bike.**

Known to Police as a cannabis dealer. The Police Officer explains the situation and why the male has been stopped, giving good, clear reasons for the Stop and Search and why the male is detained and will be fully searched at a local Police Station. This is well handled by the Police Officer. A Police van transfers the suspect for a full body search.

Positive outcome: Drugs found on person.

No negative points.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

**Case 9** – Panel comments noted with thanks including positive comments around officer approach.

### **Case 10: Taser fired / Mental Health case. Spit & Bite Guard use. 24/4/2018**

#### **Assisted Housing staff report that a 17 year old male resident has assaulted a Carer.**

Threats to Carer and to Police. The young male has a curtain pole in his hand.

Good use of BWV recording: The BWV is switched on in the Police car and a verbal narrative is given regarding the self-harming male. The Police Officer obtains information from the staff first. There is damage to the young male's property only. No assaults. The male is in his room and the windows have safety/hardened glass. However, the male is hitting his head against the wall. The staff are uncertain and the Officer takes control.

The Taser Officer is very understanding and uses a calm tone to take control to calm down the young male, explaining what is happening throughout the incident. The Officer explains that he has a Taser. The male shouts and continues to hit his head against the wall. The Police Officer warns again about the Taser use and tells the male not to spit. The male kicks at the Officer who tells the male to calm down. The Spit & Bite guard use is considered and then used. Preventative measures are taken. Good communication by the Taser Officer who takes control of the situation. Both Officers behave in a professional and calm manner, despite being spat at and kicked. The Taser is used and fired (after warning) appropriately to prevent the young male self-harming. This BWV is a very good example of how to deal with this sort of situation.

This Police Officer's professional conduct and manner is commendable: PC 838 Jason LEE.

There are no negative points to report.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

**Case 10** – Panel comments noted with thanks. Panel compliments have been fed back to the relevant officer.

### **Case 11: Taser deployed (not fired) / Mental Health case – 4/5/2018 at 9p.m.**

#### **Report of a male self-harmer, on the roof of the flat, jumping on scaffolding and threatening to jump off/commit suicide.**

The two Police Officers have absolute patience and are calm throughout, in dealing with this person for an hour and a half, despite numerous threats to both the Officers at the scene. There is lots of dialogue, the male being in a heightened state of anxiety. There is calm questioning to establish the facts. Entirely appropriate Taser use of Police power (not fired). Detention under section 136 of the Mental Health Act due to being in a public place, outside the property.

The ambulance arrives and the male is invited to speak to the ambulance staff.

However, two Panel members comment the incident continues for a relatively long time. One Panel member also felt that although known to the Police, the male is allowed to take control of the situation for too long.



Three questions answered on the Panel's feedback form (some forms left blank):

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

**Case 11** – Panel comments are noted in relation to this case. This incident does last for some time, however, upon reviewing this footage the officers have used negotiation, giving time and space to the male in line with guidance around dealing with vulnerable persons. This has achieved the outcome with minimum force.

**Chair's sub-group/Case 12: Stop and Search (>JOG) s23 Misuse of Drugs Act 20/9/2018 Weston-super-Mare. Intelligence of drugs and witnessed suspect leaving the area.**

Clear grounds and explanation for the Stop and Search are given by the calm Police Officer. A good introduction. The Officer remains calm throughout, despite the altercation and deals with the situation well on his own. The male subject is aggressive and non-compliant. Officer restraint is necessary and the Officer remains in control throughout.

Very professional Officer: Beat Manager 4516 Jonathan Biggins.

A negative search, i.e., nothing is found.

BWV camera angle is pointing to the sky so how the tussle started is not recorded visually.

**Question:** Could the Officer have given more that just 'contextual' grounds for the stop and search and perhaps have said specifically why that particular individual was stopped? This might have prevented the resistance?

**Question:** Did the Officer have any backup? Was he at risk in dealing with the issue alone?

**Question:** The Officer said the man was obliged to give his name but that is incorrect for a Stop and Search.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

**Case 12** – Panel feedback is noted in relation to the professional conduct of the officer. I agree with the panel comments that more specific grounds could have been provided, however, it is difficult to predict whether this would have reduced resistance due to the demeanour of suspect. The officer did request back up which arrived at the scene shortly afterwards – this did increase the risk for the searching officer, however, officers sometimes do need to tackle issues initially single crewed and this needs to be risk managed on a case by case basis. Panel comments around requirement to provide a name are correct and will be fed back to the officer.

**Vice Chair 2's sub-group. Case 13: Spit & Bite Guard use – 8/9/2018 at 2a.m. Taunton**

**Hospital staff informed Police Officers at the Hospital of a male being aggressive.**

The male spat at a Police Officer who then put the Spit and Bite guard onto the male. Officers

remained calm throughout the incident where the male is vocal and verbally threatening and abusive. Well handled by the Police Officers and good team work.  
Appropriate and justified use of the Spit guard. Handcuffs also used outside Hospital.  
However, the Officer gives no warning of the Spit Guard use but gives reasons after easily applying the Spit Guard. Although well handled at 2a.m., it was in a public area.

Three questions answered on the Panel's feedback form: (3 of 5 forms are blank)

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

**Case 13** – Panel feedback noted with thanks.

**Case 14: Stop and Search (under 16) 8/10/2018 at 9.23pm Weston-s-Mare  
A report of a 6" knife and handgun.**

A good Officer's explanation of what is happening. The Officer is calm, soft-spoken and pleasant with a good demeanour and asks if the subjects want a Stop & Search receipt. The Officer is polite and engaging with the young person.

A positive outcome: Weapons are retrieved – a gun and knife.

Not all the GOWISELY acronym items are heard on the BWV footage but may have been earlier.

Three questions answered on the Panel's feedback form (2 of 5 forms are blank):

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

**Case 14** – Panel feedback noted with thanks including the positive outcome.

**Case 15: Taser (red dot) / Mental Health case 21/11/2018 at 2a.m. Bristol  
Report of male having a knife.**

Negative outcome. No knife found on the male, who went back into his flat and came out again.

The male states that he has mental illhealth and is diabetic. Good description by Officer.

The Police Officers are very polite. The male subject is arrested and Officers have the male's medical welfare of concern and ask where his insulin is inside the property. Good narrative by the female Officer as to why the Taser red dot is used. Officer engagement is in a non-confrontational level. The Officer defused what could have been a difficult situation.

Two charged later: Public Order and Possession of knife.

Compliments to the female Officer: 4766 Mel Furey. This Officer is commended by the Panel members. An excellent example of handling an incident solo, engaging with the male subject and also ensuring that the situation does not escalate. Good attention to medication needs. Well handled. Well done.

Three questions answered on the Panel's feedback form (2 of 4 forms are blank):

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

**Case 15** – Panel feedback noted with thanks including the positive outcome. Panel comments noted with thanks. Panel compliments have been fed back to the relevant officer.

**Case 16: Taser / Mental Health case – 27/2/2018 4.30 a.m.**

**Major mental health issue of self-harm.**

BWV footage of the male subject sitting handcuffed and already in the ambulance on the journey to Hospital for treatment, with hands/arms bandaged and arms covered in blood. Medication taken with the male subject. The Police Officer tries to get basic information from the male subject but he is not engaging and accuses the Officer repeatedly of putting things into my head and stalking him whilst sleeping. A Panel member comments that the Officer has a calming attitude towards the male on the way to Hospital.

However, the negative points are that the Taser use is before the BWV camera is switched on. There is also not Niche database reference for this case. There is also very limited supporting material for this incident.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? N/K
2. Do you think that the correct decision was made by the Police Officer? Not Known (N/K)
3. Do you think that this incident is fair and free from any form of discrimination or bias? N/K

**Case 16** – Panel feedback noted with thanks including the officers approach. BWV should be switched on prior to the incident, and Taser deployment. This is a common theme from the panel which has already been identified – it is also noted that this incident dates back to February 2018. Having reviewed the case, there is a supporting Niche reference for this case with supporting documentation although I understand this was not identified during the panel meeting.

**Case 17: Spit & Bite Guard use – 7/9/2018 at 7.30p.m. – Bristol**

**Report from a female that she has been assaulted by the female subject in a residents for the homeless.**

All Police Officers deal with the female subject calmly and efficiently. The female Officer shows compassion when the female detainee is in the Police van and removes the restraints. The female tries to bite an Officer and so the Spit & Bite Guard is applied after an explanation given. Handcuffs and leg restraints are used. The uncooperative female is quite well controlled by the Officers with good team work once the support Officers have arrived. This incident is well handled once the situation is de-escalated.

However, Panel members consider the second charge of Assault of Police – in addition to the allegation from a third party of assault – is flimsy. The Police Officers could have cleared the room of other people first for a better engagement and perhaps less use of force because the female is considered to be 'playing up to her audience' and is abusive. She is much more passive when taken to the Police vehicle.

Three questions answered on the Panel's feedback form (2 of 4 forms are blank):

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

**Case 17** – Panel feedback noted with thanks including the officer approach. I note the panel view in relation to the assault Police – the female does kick the officer and is therefore arrested for assault Police. She was reported for summons in relation to this matter.

**Case 18: Stop and Search (BME) section 1 of PACE – 12/10/2018 12.38 am.  
Report of a large number of youths trying to break in to a garage, masked and hooded, on bikes.**

A negative search. Allen keys and 2 phones are on the male subject.

The polite Officer gives a good explanation of what is happening and talks to the male subject throughout the engagement and the search, including the GOWISELY acronym items. The Officer has a very professional attitude and the Stop and Search procedures are well followed. This includes offering a Stop and Search receipt and also mentioning that there is a complaints system if required. The search limiting to no more than the search of jacket, outer garments and gloves is well adhered to. The Officer takes care of the male subject's items removed. The male is non-confrontational. The Officer thanks the male subject before he is let go on his way.

An exemplary Police Officer 1575 Phillip Sage. Congratulations from the Panel members. A bench mark for handling a Stop and Search encounter. Well done.

Three questions answered on the Panel's feedback form (2 of 4 forms are blank):

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

**Case 18** – Panel feedback noted with thanks. The panel have identified this as an exemplary encounter and this has been fed back to the officer.